

Remarks

1. Summary of the office action

In the office action mailed May 29, 2009, (i) the Examiner rejected claims 1-11, 13-18, 20, and 22-28 under 35 U.S.C. § 112, second paragraph, as lacking proper antecedent basis, and (ii) the Examiner rejected claims 1, 2, 5-11, 13-18, 20, 22-25, and 26-28 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,740,549 (Reilly) in view of Official Notice.

2. Finality of office action

The Office Action Summary states that the office action is non-final, but the office action, page 14, second paragraph, states that the current office action has been made final. On June 25, 2009, Applicant's undersigned representative discussed this issue with the Examiner. The Examiner stated that the office action is non-final, and that the portion of the office action that stated the office action was made final was inadvertently reported in the current office action.

3. Amendments and status of the claims

Applicant has amended claims 1 and 20, and added new claims 29 and 30. Claims 1, 2, 5-11, 13-18, 20, and 22-30 are pending. Of the pending claims, 1, 20, and 29 are independent.

4. Response to claim rejections under 35 U.S.C. § 112

The Examiner rejected claims 1-11, 13-18, 20, and 22-28 under 35 U.S.C. § 112, second paragraph, as lacking proper antecedent basis. With regard to claims 1 and 20, the Examiner stated that there is insufficient antecedent basis for "the paused user selected program content" in "displaying the paused user selected program content on the display of the video replay system during a time delay greater than zero seconds." The Examiner stated that dependent claims 2-11, 13-18, and 22-28 do not cure the above deficiencies and are likewise rejected.

Applicant's amendments to claims 1 and 20 include deleting the limitation "displaying the paused user selected program content on the display of the video replay system during a time delay greater than zero seconds." Applicant submits that the Examiner's rejection of claims 1-11, 13-18, 20, and 22-28 under 35 U.S.C. § 112, second paragraph, is now moot. Applicant therefore requests that the Examiner withdraw the rejection of claims 1-11, 13-18, 20, and 22-28 under 35 U.S.C. § 112, second paragraph.

5. Response to claim rejections under 35 U.S.C. § 103(a)

The Examiner rejected independent claims 1 and 20 and dependent claims 2, 5-11, 13-18, 22-25, and 26-28 under 35 U.S.C. § 103(a) as being obvious over Reilly in view of Official Notice. Applicant has amended claims 1 and 20. Claims 1 and 20, as amended, patentably distinguish over Reilly and the Official Notice.

With regard to claims 1, 20, and 22-24, the Examiner stated that although Reilly discloses a system wherein a user or subscriber controls the display of content that is presented during a pause mode or idle mode by setting the timing or delay period required before the system enters the pause mode, Reilly does not expressly teach pressing a pause key, displayed on a screen (video replay system) to thereby trigger the pause mode.

The Examiner then took Official Notice that it is common practice in the art to display a button or icon (key), representing a stored content or software installed in the memory of a system or computing device, on a user's screen (desktop or video replay system) and wherein actuating, pressing, activating or clicking the button or icon (pause key) causes the stored content to be displayed on the screen or the task related to the installed software to be executed.

In addition, the Examiner took Official Notice that it is common practice in the art that a user or subscriber, using a Windows based system, can select the password option within the screen

saver software, which requires that the user re-enters his password to gain access to the system thereby providing an extra layer of protection when the system is left unattended and before the system enters the screen saver or pause mode based on the delay or preset time period. *See*, office action, page 9, second and third paragraphs, and page 10, first and second paragraphs.

Even if it is assumed, for the sake of argument, that a person having ordinary skill in the art at the time of Applicant's invention would have modified Reilly with the foregoing Official Notice, Applicant submits that Reilly and the Official Notice do not reasonably lead to *upon entering the pause mode, during a time delay greater than zero seconds, continuing to display the user selected program content on the display of the video replay system*, as recited in claims 1 and 20.

In rejecting claims 1 and 20, the Examiner stated that it would have been obvious to an ordinary skilled artisan to incorporate the Official Notice into Reilly's system so that pressing a displayed icon or pause key causes the system to enter a pause mode or screen saver mode before a preset time or delay/duration period has elapsed, while the *user's selected program content (i.e., Microsoft Word, PowerPoint, Microsoft Excel)* is being featured thereon, and display the related content or pause content thereon, thereby enabling the user or subscriber to cause the system to enter in real time the pause mode or screen saver mode, even before the predetermined time (idle time period) has expired, and display pause content thereon by pressing or clicking the pause key or icon, representing the pause mode (screen saver mode), placed on the user's computer display or video replay, *when the user's selected program content (i.e., Microsoft Word, PowerPoint, Microsoft Excel)* is being featured thereon, and while protecting (sensitive or confidential) information that is currently displayed on the user's computer display or video replay or stored thereon since once the pause mode is being activated and the pause content is displayed, the user needs to re-enter his password to gain access to the computer or system, subsequent to exiting the

pause mode, and to view or review the user's selected content or work previously displayed or left open on the display screen prior to activating the pause key to enter the pause mode and output thereon paused content. (Emphasis added). See, office action, paragraph bridging pages 10 and 11.

Even if it is assumed, for the sake of argument, that Microsoft Word, PowerPoint, and/or Microsoft Excel amount to the user selected program content, recited in claims 1 and 20, Applicant submits that Reilly and the Official Notice do not reasonably lead to *upon entering the pause mode, during a time delay greater than zero seconds, continuing to display Microsoft Word, PowerPoint, and/or Microsoft Excel* on the display of the video replay system.

In discussing the modification of Reilly with the Official Notice, the Examiner referred to protecting (sensitive or confidential) information during the pause mode while pause content is displayed, and that a user needs to re-enter a password to view or review the user's selected content or work previously displayed or left open on the display screen prior to activating the pause key to enter the pause mode. Applicant understands that Microsoft Word, PowerPoint, and/or Microsoft Excel would be protected during the pause mode discussed by the Examiner and thus not displayed during the pause mode. Since the Microsoft Word, PowerPoint, and/or Microsoft Excel (i.e., the user selected program content, according to the Examiner) is not displayed during the pause mode, Applicant submits that Reilly and the Official Notice do not reasonably lead to *upon entering the pause mode, during a time delay greater than zero seconds, continuing to display the user selected program content on the display of the video replay system*, as recited in claims 1 and 20.

Since Reilly and the Official Notice do not reasonably lead to each and every limitation recited in claims 1 and 20, Applicant submits that Reilly and the Official Notice do not render claims 1 and 20 obvious under 35 U.S.C. § 103(a). Applicant further submits that claims 1 and 20 are therefore in condition for allowance.

Further, without conceding the assertions made by the Examiner regarding the rejection of dependent claims 2, 5-11, 13-18, 22-25, and 26-28, Applicant submits that dependent claims 2, 5-11, 13-18, 22-25, and 26-28 are allowable for at least the reason that each of these claims depends from allowable claim 1.

6. New claims

Applicant has added new independent claim 29 and dependent claim 30. Claim 29 recites, *inter alia*, upon entering the pause mode, during a time delay greater than zero seconds, continuing to display the video stream on the display of the video replay system. Applicant submits that claim 29 is allowable for the same reasons as claims 1 and 20, and that claim 30 is allowable for at least the reason that it depends from allowable claim 30.

7. Conclusion

Applicant believes that all of the pending claims have been addressed in this response. However, failure to address a specific rejection or assertion made by the Examiner does not signify that Applicant agrees with or concedes that rejection or assertion.

For the foregoing reasons, Applicant submits that claims 1-2, 5-11, 13-18, 20, and 22-30 are in condition for allowance. Therefore, Applicant respectfully requests favorable reconsideration and allowance of all the pending claims.

Respectfully submitted,

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